

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">vs.</div> SCOTT JANICEK, <div style="text-align: center;">Defendant.</div>))))))))))	8:05CR32 ORDER
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This matter is before the court on the motion of Anthony A. Troia to withdraw as counsel for the defendant, Scott Janicek (Janicek) (Filing No. 70). Mr. Troia represents he has a conflict of interest in this matter. The court held a hearing on the motion on August 25, 2005. Janicek was present with Mr. Troia and the government was represented by Assistant U.S. Attorney Maria Moran. Mr. Troia's motion to withdraw (Filing No. 70) is granted. Janicek represented to the court he was obtaining new counsel and also requested the continuance of his trial scheduled for August 30, 2005. Janicek acknowledged that the additional time to accommodate his request would be excluded under the Speedy Trial Act.

Janicek is given until **September 1, 2005**, in which to have his newly retained counsel to enter an appearance in this matter, otherwise he shall appear before the undersigned magistrate judge at 9:00 a.m. in Courtroom No. 7, Roman L. Hruska U.S. Courthouse, 11 South 18th Plaza, Omaha, Nebraska, for a hearing regarding the status of Janicek's efforts to retain counsel.

Janicek's oral motion for a continuance of trial is granted. Trial of this matter is rescheduled before Judge Laurie Smith Camp and a jury at **8:30 a.m. on November 1, 2005**. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 25, 2005 and November 1, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

IT IS SO ORDERED.

DATED this 29th day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge